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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

16 X CORP., a Nevada corporation,

Case No. 3:23-cv-03698-WHA

17 Plaintiff,
18 vs.
19

**PLAINTIFF X CORP.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
MOTION FOR LEAVE TO AMEND
COMPLAINT AND EXHIBITS THERETO**

BRIGHT DATA LTD., an Israeli
corporation,

Defendant.

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff X Corp. ("X") submits this Administrative Motion to File Under Seal portions of its Motion for Leave to Amend Complaint (the "Motion") and Exhibits A (Proposed Second Amended Complaint) and B (Redline between First Amended Complaint and Proposed Second Amended Complaint). This motion is based on the points and authorities herein and the accompanying Declaration of Stefan Berthelsen in Support of this Administrative Motion (the "Berthelsen Declaration").

Plaintiff requests that portions of the Motion and Exhibits A and B thereto identified in the chart below be sealed, as they contain Plaintiff's confidential business information. In making this request, Plaintiff has carefully considered the legal standard in determining which information would be the subject of the present request to seal. Plaintiff makes this request with the good faith belief that the information sought to be sealed consists Plaintiff's confidential information and information that could cause competitive harm if publicly disclosed. Plaintiff's request is narrowly tailored to only those portions of these documents containing this sensitive information.

Document	Portion Sought to be Sealed	Basis for Sealing
Plaintiff's Motion for Leave to Amend Complaint	Portions highlighted in blue	Berthelsen Declaration ¶¶ 6, 7.
Exhibit A (Proposed Second Amended Complaint)	Portions highlighted in blue	Berthelsen Declaration ¶¶ 6, 7.
Exhibit B (Redline between First Amended Complaint and Proposed Second Amended Complaint)	Portions highlighted in blue	Berthelsen Declaration ¶¶ 6, 7.

I. LEGAL STANDARD

Civil Local Rule 79-5(c) provides that a party seeking to file its own documents under seal must file an administrative motion that articulates the applicable legal standard and reasons for keeping a document under seal, includes evidentiary support from a declaration where necessary, and provides a proposed order that is narrowly tailored to seal only the sealable material.

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City & Cty. of Honolulu*, 447

1 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 &
 2 n.7 (1978)). In the Ninth Circuit, two different standards may apply to a request to seal a document
 3 – namely the “compelling reasons” standard or the “good cause” standard. *Blessing v. Plex Sys.,*
 4 *Inc.*, No. 21-CV-05951-PJH, 2021 WL 6064006, at *12 (N.D. Cal. Dec. 22, 2021) (citing *Ctr. For*
 5 *Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016)). “To seal records in
 6 connection with a ‘dispositive’ motion or a motion that ‘more than tangentially relate[s] to the merits
 7 of a case,’ ‘compelling reasons supported by specific factual findings that outweigh the general
 8 history of access and the public policies favoring disclosure’ are required.” *Bronson v. Samsung*
 9 *Elecs. Am., Inc.*, No. C 18-02300 WHA, 2019 WL 7810811, at *1 (N.D. Cal. May 28, 2019) (quoting
 10 *Kamakana*, 447 F.3d at 1178-79).

11 **II. THE COURT SHOULD SEAL PLAINTIFF’S CONFIDENTIAL INFORMATION**

12 The confidential information sought to be sealed meets the “compelling reasons” standard.
 13 As explained in the accompanying Berthelsen Declaration, the confidential information that Plaintiff
 14 seeks to redact is narrowly tailored and comprises sensitive business and commercial information,
 15 including the details of the design of Plaintiff’s microservices architecture, internal statistics related
 16 provisioning it servers, inauthentic or anomalous web traffic statistics to those servers, the effect of
 17 this web traffic on Plaintiff’s services, the effect this inauthentic or anomalous web traffic has on
 18 Plaintiff’s services, and the costs related with maintaining these systems.

19 Plaintiff considers this type of business and commercial information to be highly sensitive
 20 and does not and would not generally share this type of information publicly. If such information
 21 were made public, it would harm Plaintiff’s competitive standing and create a risk of injury for two
 22 reasons. First, bad actors could use this information to further degrade Plaintiff’s systems, raise
 23 Plaintiff’s costs, and/or evade Plaintiff’s safety and privacy controls. Second, if the information
 24 were public, it would provide Plaintiff’s competitors with information and insight relating to
 25 Plaintiff’s business operations and technological details that Plaintiff does not have similar access
 26 to about its competitors, allowing the competitors to gain a competitive advantage in the
 27 marketplace, including by releasing same or similar products and to compete with Plaintiff with an
 28

1 unfair advantage. Accordingly, if this information were made public, Plaintiff's competitive
2 standing would be harmed.

3 In compliance with Civil Local Rule 79-5(d), unredacted versions of the below listed
4 documents accompany this Administrative Motion:

5 **III. CONCLUSION**

6 For the foregoing reasons, Plaintiff respectfully requests that the Court grant Plaintiff's
7 Administrative Motion to File Under Seal.

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10 Respectfully submitted,

11 DATED: June 6, 2024

12 QUINN EMANUEL URQUHART & SULLIVAN,
13 LLP

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By _____ */s/ Andrew H. Schapiro*

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